

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE ANTONIO DIAZ SICARD,

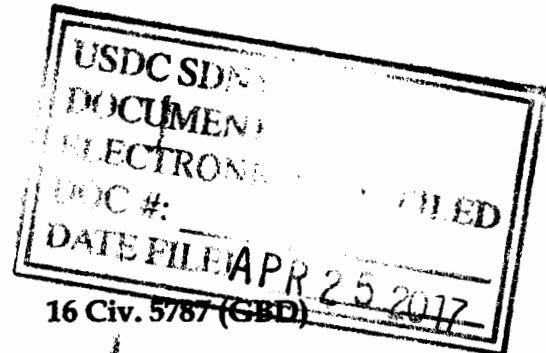
Plaintiff,

-against-

4199 CRYSTAL II RESTAURANT CORP. d/b/a
Guadalupe Bar and Grill and VICTOR POTTER,

Defendants.

X

STIPULATION OF
DISMISSAL AND
PROPOSED ORDER

X

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

WHEREAS, on July 20, 2016, Plaintiff filed a Complaint, which asserts claims for, *inter alia*, unpaid overtime wages, failure to pay spread-of-hours pay, statutory damages, liquidated damages, interest, and attorneys' fees and costs under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* ("FLSA"), the New York Labor Law, and the New York Wage Theft Prevention Act;

WHEREAS, the parties reached a settlement of this action and Plaintiff's claims through arms-length negotiations and have entered into a Settlement Agreement and General Release dated February 15, 2017 (the "Agreement"), formally memorializing the parties' settlement;

WHEREAS, the terms of the Agreement, which are fully incorporated herein by reference, have been reviewed and scrutinized by the Court and are approved and considered a fair and reasonable resolution of, *inter alia*, a bona fide dispute over a provision or provisions of the FLSA, the New York Labor Law, and/or time worked; and

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WHEREAS, this Court shall retain jurisdiction over this action to enforce the terms of the Agreement;

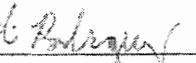
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the Parties, and ordered by this Court, that this action be hereby dismissed and discontinued in its entirety, with prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. A copy of the signatures on this Stipulation serve the same purposes as an original signature.

Dated: New York, New York
February 15, 2017

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SO ORDERED.

APR 25 2017

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